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6 UNITED STATES DISTRICT COURT
7 DISTRICT OF NEVADA

8

9 CHRISTIE DELARA,)
10 Plaintiff,)
11 v.) NO.
12 EXPERIAN INFORMATION SOLUTIONS,)
INC. and ALLY FINANCIAL INC.,)
13 Defendants.) JURY DEMANDED
14 _____)

15 COMPLAINT

16 JURISDICTION

17 1. The jurisdiction of this Court attains pursuant to the
18 FCRA, 15 U.S.C. Section 1681(p), and the doctrine of supplemental
19 jurisdiction. Venue lies in the Southern Division of the Judicial
20 District of Nevada as Plaintiff's claims arose from acts of the
21 Defendants perpetrated therein.

22 PRELIMINARY STATEMENT

23 2. The Plaintiff brings this action for damages based upon
24 Defendants' violations of the Fair Credit Reporting Act, 15 U.S.C
25 § 1681 et seq. (hereinafter referred to as "FCRA"), and of state
26 law obligations brought as supplemental claims.

27

28

1 3. Plaintiff is a natural person and resident and citizen of
2 the State of Nevada and of the United States. Plaintiff is a
3 "consumer" as defined by § 1681a(c) of the FCRA.

4 4. The Defendant, Experian Information Solutions, Inc.
5 ("Experian"), is a corporate entity licensed to do business in the
6 State of Nevada.

7 5. Experian is a consumer reporting agency, as defined in
8 § 1681(f) of the FCRA, regularly engaged in the business of
9 assembling, evaluating, and dispersing information concerning
10 consumers for the purpose of furnishing consumer reports, as
11 defined in § 1681a(d) of the FCRA, to third parties.

12 6. Defendant, Ally Financial Inc. (Ally), fka GMAC, is a
13 furnisher of information as contemplated by FCRA § 1681s-2(a) &
14 (b), who regularly and in the ordinary course of business furnishes
15 information to one or more consumer reporting agencies about
16 consumer transactions or experiences with any consumer.

FACTUAL ALLEGATIONS

18 7. Plaintiff's creditworthiness has been repeatedly
19 compromised by the acts, obduracy and general indifference of the
20 Defendants.

21 8. Plaintiff has been disputing the Defendants' reporting
22 since 2008.

23 9. Plaintiff has written and called both Defendants numerous
24 times.

25 10. Plaintiff has been rudely treated by Ally's customer
26 service representatives while Experian's various representatives
27 have largely ignored her.

11. In 1996 Plaintiff and her husband, Jason, entered into an auto lease with Ally (fka, GMAC).

12. The loan was paid off in full during 1999.

13. All Plaintiff's payments were timely.

14. Recently Plaintiff attempted to acquire residential financing.

15. Plaintiff learned that Ally was still negatively reporting its account on Plaintiff's Experian report (Exhibit 1).

16. This adversely impacted Plaintiff's credit score.

17. Plaintiff again disputed Ally's reporting with Experian.

18. Experian again conveyed Plaintiff's dispute to Ally.

19. Defendants confirmed the tradeline's negative status on August 17, 2012 (Exhibit 2).

20. Incomprehensibly, Exhibits 1 and 2 reflect serial delinquencies over the last two years (on an account paid in full during President Clinton's administration).

21. Defendants reporting is inaccurate *per se* and is reported in explicit violation of FCRA § 1681c(a)(5).

22. The Ally tradeline is the sole negative account on Plaintiff's otherwise perfect credit profile.

STATEMENT OF CLAIM AS AGAINST EXPERIAN

23. In the entire course of its action, Defendant willfully and/or negligently violated the provisions of the FCRA in the following respects:

a. By willfully and/or negligently failing, in the preparation of the consumer reports concerning Plaintiffs, to follow reasonable procedures to assure maximum possible accuracy of the information in the reports.

1 b. By willfully and/or negligently failing to comport
2 with FCRA § 1681i.

3 STATEMENT OF CLAIM AS AGAINST ALLY

4 24. In the entire course of its action, Defendant willfully
5 and/or negligently violated the provisions of the FCRA in the
6 following respects:

7 a. By willfully and/or negligently failing to comport
8 with FCRA § 1681s-2(b).

9 PRAYER FOR RELIEF

10 THEREFORE, Plaintiff prays that the Court grant the following
11 relief as against Defendants:

12 a) actual damages;
13 b) punitive damages;
14 c) attorney's fees; and
15 d) costs.

16 Respectfully submitted,

17 
18

19 MITCHELL B. GLINER, ESQ.
20 Nevada Bar #003419
21 3017 West Charleston Boulevard
22 Suite 95
23 Las Vegas, Nevada 89102
24 Attorney for Plaintiff
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X Close window

Online Personal Credit Report from Experian for

Experian credit report prepared for

CHRISTIE DELARA

Your report number is

4084-9375-43

Report date:

09/22/2012

Print report

Index:

- [Contact us](#)
- [Potentially negative items](#)
- [Accounts in good standing](#)
- [Requests for your credit history](#)
- [Personal information](#)
- [Important message from Experian](#)
- [Know your rights](#)

Experian collects and organizes information about you and your credit history from public records, your creditors and other reliable sources. By law, we cannot disclose certain medical information (relating to physical, mental, or behavioral health or condition). Although we do not generally collect such information, it could appear in the name of a data furnisher (i.e., "Cancer Center") that reports your payment history to us. If so, those names display in your report, but in reports to others they display only as "Medical Information Provider." Consumer statements included on your report at your request that contain medical information are disclosed to others.

To return to your report in the near future, log on to www.experian.com/consumer and select "View your report again" or "Dispute" and then enter your report number.

If you disagree with information in this report, return to the Report Summary page and follow the instructions for disputing.

Contact us

[back to top](#)

Need to view your report again or dispute information? Access your report online at www.experian.com/viewreport.

You may also contact us by mail at:

NCAC
P.O. Box 9701
Allen, TX 75013

Or, by phone at:

1 800 493 1058

Monday through Friday, 9 am to 5 pm in your time zone.

Potentially Negative Items or items for further review

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This information is generally removed seven years from the initial missed payment that led to the delinquency. Missed payments and most public record items may remain on the credit report for up to seven years, except Chapters 7, 11 and 12 bankruptcies and unpaid tax liens, which may remain for up to 10 years. A paid tax lien may remain for up to seven years. Transferred accounts that have not been past due remain up to 10 years after the date the account was transferred.

Payment history legend

OK	Current/Terms of agreement met	VS	Voluntarily surrendered
30	Account 30 days past due	R	Repossession
60	Account 60 days past due	PBC	Paid by creditor
90	Account 90 days past due	IC	Insurance claim

EXHIBIT 1

120 Account 120 days past due	D Claim filed with government
150 Account 150 days past due	C Defaulted on contract
180 Account 180 days past due	C Collection
CRD Creditor received deed	CO Charge off
FS Foreclosure proceedings started	CLS Closed
F Foreclosed	ND No data for this time period

Credit Items

For your protection, the last few digits of your account numbers do not display.

GMAC

Address: Account Number:
PO BOX 380901 02164103....

BLOOMINGTON, MN 55438
(888) 925-2559

Address Identification Number:
0178374645

Status: Paid,Closed.

Status Details:

This item was updated from our processing of your dispute in Aug 2012.

Date Opened:

03/1996 Type: Auto Lease

Reported Since:

08/2005 Terms: 36 Months

Date of Status:

08/2012 Monthly Payment: \$0

Last Reported:

08/2012 Responsibility: Joint with JASON S KNIGHT

Credit Limit/Original Amount:

\$17,411

High Balance:

NA

Recent Balance:

NA

Recent Payment:

NA

Your Statement:

Completed investigation of FCRA dispute - consumer disagrees.

Payment History:

2011												2012													
AUG	JUL	JUN	MAY	APR	MAR	FEB	JAN	DEC	NOV	OCT	SEP	AUG	JUL	JUN	MAY	APR	MAR	FEB	JAN	DEC	NOV	OCT	SEP		
CLS	30	30	OK	OK	OK	OK	OK	30	OK	30	OK	30	30	30	30	30	OK								
2010	DEC	NOV	OCT	SEP	AUG	JUL	JUN	MAY	APR	MAR	FEB	JAN	DEC	NOV	OCT	SEP	AUG	JUL	JUN	MAY	APR	NOV	OCT	SEP	
OK	OK	30	30	OK																					
2009	2008	2007	2006	2005	2004	2003	2002	2001	2000	1999	1998	1997	2009	2008	2007	2006	2005	2004	2003	2002	2001	2000	1999	1998	
APR	MAR	FEB	JAN	DEC	NOV	OCT	SEP	AUG	JUL	JUN	MAY	APR	MAR	FEB	JAN	DEC	NOV	OCT	SEP	APR	NOV	OCT	SEP	APR	
OK																									
2005	2004	2003	2002	2001	2000	1999	1998	1997	1996	1995	1994	1993	2005	2004	2003	2002	2001	2000	1999	1998	1997	1996	1995	1994	1993
DEC	NOV	OCT	SEP	OK																					

Account History:

30 days past due as of Jul 2012, Jun 2012, Dec 2011, Oct 2011, Apr 2011 to Aug 2011, Oct 2010, Sep 2010

Accounts in Good Standing

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These items may stay on your credit report for as long as they are open. Once an account is closed or paid off it may continue to appear on your report for up to ten years.

PO Box 9701
Allen, TX 75013

EXHIBIT 2

0005707 01 MB 0.401 **AUTO T5 07198 89005-213099 -C01-P05712-1
CHRISTIE DELARA
806 BUCHANAN BL #115-151
BOULDER CITY NV 89005-2130



Prepared for: CHRISTIE DELARA
Date: August 17, 2012
Report number: 4084-9375-43

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Dispute results

About our dispute process

This summary shows the revision(s) made to your credit file as a result of our processing of your dispute. If you still question an item, then you may want to contact the furnisher of the information directly or review the original information in the public record.

The federal Fair Credit Reporting Act provides that you may:

- request a description of how we processed your dispute, including the business name and address of any furnisher of information contacted in connection with such information and the telephone number if reasonably available;
- add a statement disputing the accuracy or completeness of the information; and
- request that we send these results to organizations who have requested your credit report in the past two years for employment purposes or six months for any other purpose.

If no information follows, our response appeared on the previous page.

Results

We have completed the processing of your dispute(s). Here are the results:

Credit Items	Outcome
GMAC 02164103....	Updated

Visit experian.com/status to check the status of your pending disputes at any time.

Scan me with your smart phone for special offers from Experian.

How to read your results

Deleted - This item was removed from your credit report.

Remains - This item was not changed as a result of our processing of your dispute.

Updated - A change was made to this item; review this report to view the change. If ownership of the item was disputed, then it was verified as belonging to you.

Processed - This item was either updated or deleted; review this report to learn its outcome.

To receive a copy by mail, check this box and within 30 days return this original page to P.O. Box 9701, Allen, TX 75013.

Copies will not be accepted.

Additional Information

To view a full copy of your corrected credit report, visit experian.com/viewreport



What's your credit score?
Find out by ordering your VantageScore® from Experian for only \$7.95. To order, call 1 888 322 5583.



0234409847



Prepared for: CHRISTIE DELARA
 Date: August 17, 2012
 Report number: 4084-9375-43

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Your accounts that may be considered negative

The most common items in this section are late payments, accounts that have been charged off or sent to collection, bankruptcies, liens, and judgments. It also may contain items that are not necessarily negative, but that a potential creditor might want to review more closely, such as an account that has been settled or transferred. This information is generally removed seven years from the initial missed payment that led to the delinquency. Missed payments and most public record items may remain on the credit report for up to seven years, except Chapters 7, 11 and 12 bankruptcies and unpaid tax liens, which may remain for up to 10 years. A paid tax lien may remain for up to seven years. Transferred accounts that have not been past due remain up to 10 years after the date the account was transferred.

Payment history legend

OK	Current/Terms of agreement met	VS	Voluntarily surrendered
	Account 30 days past due	RV	Repossession
	Account 60 days past due	PBC	Paid by creditor
	Account 90 days past due	IC	Insurance claim
	Account 120 days past due	G	Claim filed with government
	Account 150 days past due	D	Defaulted on contract
180	Account 180 days past due	C	Collection
CRD	Creditor received deed	CO	Charge off
FS	Foreclosure proceedings started	CLS	Closed
F	Foreclosed	ND	No data for this time period

Credit items

GMAC PO BOX 380901 BLOOMINGTON MN 55438	Date opened Mar 1996	Type Auto Lease	Credit limit or original amount \$17,411	Recent balance Not reported	Responsibility Joint with JASON S KNIGHT
Phone number (888) 925 2559	First reported Aug 2005	Terms 36 Months	High balance		Status
Partial account number 02184103....	Date of status Aug 2012	Monthly payment	Not reported		Paid,Closed.
Address identification number 0178374645			Not reported		Comment
					Completed investigation of FCRA dispute - consumer disagrees.
					This item was updated from our processing of your dispute in Aug 2012.

Payment history

2012	2011	2010	2009
AUG JUL JUN MAY APR MAR FEB JAN DEC NOV OCT SEP AUG JUL JUN MAY APR MAR FEB JAN DEC NOV OCT SEP AUG JUL JUN MAY APR MAR			
CLS OK			
2008	2007	2006	2005
FEB JAN DEC NOV OCT SEP AUG JUL JUN MAY APR MAR FEB JAN DEC NOV OCT SEP AUG JUL JUN MAY APR MAR FEB JAN DEC NOV OCT SEP			
OK			

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